

**THE CITY OF  
KEY WEST  
PLANNING BOARD  
Staff Report**



**To:** Chair and Planning Board members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner I

**Meeting Date:** September 18, 2018

**Agenda Item:** **Minor Development Plan – 1028-1030 Truman Avenue (RE# 00033280-000000)** – A request for minor development plan approval for construction of a new two-story commercial structure and a new two-story two-family residential structure on property located within the Historic Neighborhood Commercial District – Truman / Simonton (HNC-1) zoning district pursuant to Sections 108-91 A 1. (b) and 108-196 (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Request:** Minor development plan and landscape waiver / modification for the construction a new two-story commercial structure and a new two-story two-family residential structure

**Applicant:** Trepanier & Associates, Inc.

**Property Owner:** Sun Valley, LLC

**Location:** 1028-1030 Truman Avenue (RE# 00033280-000000)

**Zoning:** Historic Neighborhood Commercial District – Truman / Simonton (HNC-1)



### **Background:**

The subject property is located at 1028-1030 Truman Avenue and is within the Historic Neighborhood Commercial – Truman / Simonton (HNC-1) zoning district. The properties to the east, west, and north are also in the HNC-1 zoning district. The rear of the property abuts the Historic Medium Density Residential (HMDR) zoning district. The property is within the Key West Historic District. The parcel is 5,000 square feet and it is currently vacant.

The property was awarded two (2) market-rate Building Permit Allocation System (BPAS) units during year 1 via Resolution no. 2015-06 on February 4, 2015. This major construction project will need to fulfill the prerequisite minimum standards for new development as outlined in Section 108-997. In addition, the project was awarded 75 points and must demonstrate that each of the criteria has been fulfilled before a Certificate of Occupancy (CO) can be issued.

This proposed project was scheduled to appear before the Historic Architectural Review Committee (HARC) on May 23, 2018, but it was postponed to first obtain minor development approval from the Planning Board and City Commission.

The proposed Minor Development Plan seeks to construct a new two-story commercial structure and a new two-story two-family residential structure. The following development approval would be necessary:

- Minor Development Plan review is required due to the addition of 500 to 2,499 square feet of nonresidential floor area within the Historic District pursuant to Section 108-91.A.1(b).

### **Existing Conditions and Additional Background:**

The property is currently vacant. A demolition permit was issued in December of 2015 to remove the previous 4,893-square-foot commercial building. The uses of the structure prior to the demolition was a bookstore and a fitness center.

### **Proposed Development:**

The proposal is for the construction of a new two-story commercial structure and a new two-story two-family residential structure. The applicant was granted two (2) market-rate residential BPAS units for the property in BPAS Year 1.

### **Surrounding Zoning and Uses:**

Surrounding properties are located within the Historic Neighborhood Commercial – Truman / Simonton (HNC-1) and Historic Medium Density Residential (HMDR) zoning districts. The rear of the property abuts the HMDR zoning district.

**Process:**

Historic Architectural Review Committee: May 23, 2018 (postponed)  
Development Review Committee: June 28, 2018  
Conceptual Landscape Plan August 14, 2018 (approved)  
Planning Board: September 18, 2018  
Final Tree Commission: TBD  
Historic Architectural Review Committee: TBD  
City Commission: TBD  
DEO review Up to 45 days, following local appeal period

**Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan:**

City Code Section 108-91 A 1 (b) requires Minor Development Plan approval for the addition or reconstruction of 500 to 2,499-square-feet of gross nonresidential floor area within the Key West Historic District.

City Code Section 108-196 (a) states after reviewing a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial.

The Planning Board’s decision on a Minor Development Plan in the historic district shall be advisory to the City Commission. The decision on a Minor Development Plan in the historic district shall be placed on the City Commission’s consent agenda for ratification.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Zoning District	HNC-1			
Flood Zone	X			
Site Size	5,000 SF			
Maximum Density	16 du/acre	0	2 units	No

<b>Project Data Summary</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Maximum Floor Area Ratio	1.0	0	0.43 2,150 SF	No
Maximum Height	35'	0	28'-2"	No
Maximum Building Coverage	50%	0%	45% 2,286 SF	No
Maximum Impervious Surface	60%	0%	59% 2,958 SF	No
Minimum Open Space	<u>20% / 35%</u> 28%	100%	21% 1,041 SF	No (Improves upon the previous 0% on site)
Minimum Front Setback	5'	(Vacant lot)	0'	No (Maintains zero setback as per previous building on site)
Minimum Side Setback	5'	(Vacant lot)	5'-0"	No
Minimum Rear Setback	15'	(Vacant lot)	15'-0"	No
<b>Off-Street Parking</b>				
Single-Family	1 space per dwelling unit	(Vacant lot)	Two (2) 9x18 parking stalls total	No  (The parking demand is reduced as a result of the reconfiguration)
Multiple-Family Within the Historic District	1 space per dwelling unit	(Vacant lot)		
Commercial Use	Various	(Vacant lot)		

**Concurrency Facilities and Other Utilities or Services (City Code Section 108-233):**

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Minor Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

**1. Potable water supply.**

The adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is serviced with potable water by the Florida Keys Aqueduct Authority (FKAA) and has available capacity to service the proposed development with the existing infrastructure currently in place.

Sec. 94-68 states the Level of Service (LOS) standards for potable water for residential uses shall be 93 gallons/per capita/per day:

Based on per capita residential:  $93 \text{ gal/capita/day} \times 5.26 \text{ persons (2.63 per unit)} = 489.18 \text{ gal/day}$ .

Sec. 94-68 states the Level of Service (LOS) standards for potable water for non-residential uses shall be 650 gallons/acre/per day:

Based on per acre nonresidential:  $650 \text{ gal/acre/day} \times .115 \text{ acre} = 74.75 \text{ gal/day}$

The total potable water demand for the proposed construction is 563.93 gallons per day.

**2. Wastewater management.**

The applicant states that the current utility service is adequate to support the proposed development pursuant to City Code Section 94-67. The Code states residential uses at 100 gallons per day.

Based on per capita residential:  $100 \text{ gal/capita/day} \times 5.26 \text{ persons (2.63 per unit)} = 526 \text{ gal/day}$

The City Code states nonresidential uses at 660 gallons per acre per day.

Based on per acre nonresidential:  $660 \text{ gal/acre/day} \times .115 \text{ acre} = 75.9 \text{ gal/day}$

The adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

**3. Water quality.**

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water, therefore, no adverse impacts to water quality are anticipated.

**4. Stormwater management / drainage.**

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage swales and calculations are shown on attached Site Plan / Site Calcs. / Streetscape Plan A-1.1. The location of the required cistern is shown on Site Plan A-1.1. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

## **5. Solid waste.**

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 5.26 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita residential:  $2.66 \text{ lbs/capita/day} \times 5.26 \text{ persons} = 13.99 \text{ lbs/day}$ .

The solid waste LOS standard for nonresidential uses is 6.37 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate a commercial office with 2,150-square-feet. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Based on per capita nonresidential:  $6.37 \text{ lbs/capita/day} \times 2,150\text{-square-foot} / 1,000\text{-square-foot} \times 1.5833 \text{ persons} = 21.68 \text{ lbs/day}$ .

The plans show three areas designated for enclosed trash and recycling receptacles. The adopted solid waste LOS is anticipated to be adequate to serve the proposed development.

## **6. Roadways.**

The trip generation of the previous commercial uses is greater than the proposed mixed commercial and residential uses as per the Institute of Transportation Engineer Trip Generation calculations for a Health/Fitness Club, Retail, and Single-Family Detached Housing uses.

## **7. Recreation.**

The proposed plans do not show recreation facilities. The proposed development is not expected to impact recreation level of service.

## **8. Fire Protection.**

Life Safety Plans for the ground floor and the second floor were submitted. A fire hydrant is located about 350 feet away at the corner of Truman Avenue and Grinnell Street.

## **9. Reclaimed water system.**

As a part of the BPAS requirements for the two residential units, a cistern shall be utilized. The plans submitted show a 1,400-gallon underground cistern in the southeast portion of the parcel.

## **10. Other public facilities.**

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

## **Appearance, design and compatibility (City Code Section 108-234):**

The development plan shall satisfy criteria established in:

**City Code Chapter 102 (historic preservation)**

The property is located in the historic district and the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new commercial and residential buildings.

**Articles III (site plan), IV (traffic impacts) and V (open space, screening, and buffers) of City Code Chapter 108 (planning and development)**

The proposed site plan is analyzed in greater detail below. Traffic impacts are expected to be less with the proposed development than the previous development. The proposed open space provided on site will be an improvement from the previous 0%, although landscape modifications and waivers are requested as part of the development plan review.

**City Code Section 108-956 (potable water and wastewater)**

Potable water and wastewater were found to be in compliance in the concurrency determination above.

**Article II (archaeological resources) of City Code Chapter 110 (resource protection)**

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

**Site location and character of use (City Code Section 108-235).**

- (a) *Compliance.* The submitted Minor Development Plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is bounded by Truman Avenue on the north, Varela Street on the east, and Watson Avenue on the southwest.
- (c) *Land use compatibility.* Uses within 50 feet include single-family residential, multi-family residential, and commercial. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* There are no known historic or archeological resources at the property.
- (e) *Subdivision of land.* No subdivision of land is proposed.

**Appearance of site and structures (City Code Section 108-236).**

The Applicant submitted a Minor Development Plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed below. The property is located in the historic district and

the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the construction of the new commercial and residential buildings.

**Site plan (City Code Section 108-237).**

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

**Architectural drawings (City Code Section 108-238).**

The Applicant submitted extensive architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

**Site amenities (City Code Section 108-239).**

Proposed site amenities include new paved pedestrian walkways, new landscaping, a rainwater catchment system, and an electric vehicle charging station.

**Site survey (City Code Section 108-240).**

The Applicant submitted a site survey pursuant to City Code Section 108-240.

**Soil survey (City Code Section 108-241).**

None anticipated for the project.

**Environmentally sensitive areas (City Code Section 108-242).**

The parcel is located within the X-flood zone. It is not located within or near a wetland, open water, an upland wildlife habitat, or a coastal high hazard area.

**Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243):**

- (a) *Land clearing, excavation, and fill.* The parcel is vacant. No existing protected or regulated trees are being removed from the property.
- (b) *Landscaping plan.* The City of Key West Tree Commission approved the Conceptual Landscape Design Plan (T18-9140) to allow the project to proceed through the permitting process with the Planning Board. Once approval is received by the Planning Board, the application should be made again to the Tree Commission for Final Landscape approval.
- (c) *Irrigation plan.* An irrigation plan was submitted by the applicant.



**On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244):**

No off-site parking is proposed. The proposed on-site parking for vehicles and the pedestrian circulation is shown on the site plans. Parking demand will decrease with the change of use from commercial to mixed-use commercial and residential use. An electrical vehicle charging station is shown on the site plans.

**Housing (City Code Section 108-245):**

The proposal is to construct two (2) new residential units and approximately 2,150-square-feet of commercial floor area. The proposal received two (2) non-transient residential units in BPAS Year 1, via Resolution 2015-06.

**Economic resources (City Code Section 108-246):**

The market improved value of the parcel will increase with the proposed development.

**Special considerations (City Code Section 108-247):**

- (a) The relationship of the proposed development to the City's land use plans, objectives, and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located in the historic district and is in the X-flood zone.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities will be provided to accommodate bus ridership.
- (f) The plans do not specify any special design features that will be utilized to reduce energy consumption. As a BPAS awardee, the residential units must achieve FGBC-Silver certification, use roofing materials with an SRI of at least 29, and all non-roof areas must have a minimum 29 SRI.
- (g) The plans indicate that the buildings will be elevated one foot above the crown of road.
- (h) There are no private or public recreational facilities shown on the plans.
- (i) Coordination with applicable agencies was facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

**Construction management plan and inspection schedule (City Code Section 108-248):**

The construction is proposed to proceed in a single phase. The construction is proposed to progress steadily based on the LDRs and the Florida Building Code. Temporary construction fencing and erosion barrier shall be installed and maintained during all phases of construction. All City streets and sidewalks shall be kept clean and safe during all phases of construction.

**Truman Waterfront Port facilities (City Code Section 108-249):**

Not applicable.

**Site plan (City Code Chapter 108, Article III):**

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

**Site location and character of use (City Code Section 108-277)**

The proposed non-transient residential units and commercial retail less than 2,500-square feet are permitted uses within the HNC-1 zoning district.

**Appearance of site and structures (City Code Section 108-278)**

The appearance, design, and land use compatibility complement the surrounding properties and upgrades the appearance, cleanliness and over all well-being of the surrounding properties by providing much needed on-site upgrades.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (City Code Section 108-279 & 280)**

The site plans show three locations for trash and recycling enclosures. The location of the AC compressors will not be visible from the street.

**Roll-off compactor container location requirements (City Code Section 108-281)**

None proposed.

**Utility lines (City Code Section 108-282)**

None proposed.

**Commercial and manufacturing activities conducted in enclosed buildings (City Code Section 108-283)**

Commercial activity will not occur anywhere on the property other than within the proposed 2-story commercial structure.

**Exterior lighting (City Code Section 108-284)**

No exterior lighting information was provided.

**Signs (City Code Section 108-285):**

The plans do not show signage. Signs in the Historic District are regulated by Chapter 114, Division 3.

**Pedestrian sidewalks (City Code Section 108-286):**

Paved interior walkways are proposed and will connect to the existing pedestrian access at Truman Avenue.

**Loading docks (City Code Section 108-287):**

No loading docks are required or proposed.

**Storage areas (City Code Section 108-288):**

No exterior storage areas are proposed

**Land clearing, excavation, or fill (City Code Section 108-289):**

The parcel is currently vacant. The conceptual landscape plan was reviewed by the Urban Forestry Manager and the Tree Commission at the August 14, 2018 meeting.

**Landscaping (Code Chapter 108, Article VI):**

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated throughout the property. Overall landscaped open space would increase. The Urban Forestry Manager and the Tree Commission approved the Conceptual Landscape Plan to allow the project to proceed through the permitting process. The applicant will need to seek final approval of the landscape plan after the Planning Board. Nonetheless, full compliance with all landscape buffer requirements of the LDRs is not proposed. The Applicant is requesting modifications and waivers, pursuant to City Code Section 108-517, as outlined in the table below:

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change / Waiver
Street frontage (Sec. 108-413)	10 linear feet of required landscaping / 20 plant units	None	Zero lot line. See attached conceptual landscape plan.	Waiver requested
Interior areas (Sec. 108-414)	Planting area of 6' x 60'	None	Variable planting area dimensions. See attached conceptual landscape plan.	Waiver requested
Perimeter (Sec. 108-415)	5.0 feet perimeter landscape strip; 1 canopy tree and 10 shrubs per 35'	None	Variable-width perimeter landscaping. See attached conceptual landscape plan.	Waiver requested
Landscape screening (Sec. 108-450)	A landscape strip along the entire perimeter of all parking areas except along the portion of the perimeter which is entirely screened visually from adjacent property by buildings on the property being improved.	None	Landscape perimeter. See attached conceptual landscape plan.	Waiver requested

Pursuant to City Code Section 108-517(b), the Planning Board may approve or grant the waiver or modification only if it determines that the waivers or modifications are not contrary to the intent of City Code Chapter 108, Article VI, Division 4, Subdivision II and that a literal enforcement of the standards of this subdivision would be impracticable and would not violate the following criteria:

- (1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property.
- (2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area.
- (3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
- (4) *Protection of significant features.* The waiver or modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites, or public facilities, related to the development site.
- (5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, or location, provided that:
  - a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case; and
  - b. The unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the ordinance from which this section derives.
- (6) *Technical impracticality.* Strict application of the requirement would be technically impractical.

Given the challenges and trade-offs of fully complying with all of the various landscaping requirements of the LDRs, staff recommends approval of the requested landscape modifications and waivers.

**Off-street parking and loading (Code Chapter 108, Article VII):**

The previous development provided no off-street parking. The plans show two (2) 9x18 automobile parking stalls.

**Stormwater and surface water management (Code Chapter 108, Article VIII):**

The stormwater management or drainage LOS standard is pursuant to City Code Section 94-69. The stormwater drainage swales and calculations are shown on attached Site Plan / Site Calcs. / Streetscape Plan A-1.1. The location of the required cistern is shown on Site Plan A-1.1. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated

**Utilities (Code Chapter 108, Article IX):**

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

**Art in Public Places (City Code Section 2-487):**

The 1% requirement does not apply to this project. However, ten (10) points were awarded to the applicant during the BPAS review for a voluntary contribution of \$1,000 or more to either the AIPP or Tree Fund.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Minor Development Plan be **APPROVED** with the following conditions:

**General conditions:**

1. The proposed development shall be consistent with the plans dated September 10, 2018 by William Shepler & Associates Registered Architect (minus the three (3) scooter parking stalls) and the landscape plans dated June 18, 2018 by Keith Oropeza, Registered Landscape Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday to Friday, and 9 AM to 5 PM on Saturday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

**Conditions prior to the City Commission hearing:**

4. The applicant shall submit a revised site plan, eliminating the three (3) scooter parking stalls, as requested by the City of Key West Fire Inspector.
5. The applicant shall obtain final landscape plan approval from the Tree Commission.

**Conditions prior to issuance of a building permit:**

6. A Certificate of Appropriateness shall be obtained.
7. Applicant shall coordinate with Keys Energy Services a full project review.

**Conditions prior to issuance of a certificate of occupancy:**

8. The total score claimed of 75 points, in which the two (2) market-rate Building Permit Allocation System (BPAS) units were awarded through Planning Board Resolution 2015-06, shall be confirmed by City staff.